

David Fink (*pro hac vice*)  
7519 Apache Plume  
Houston, TX 77071  
Tele. 713 729-4991  
Fax. 713 729-4951  
litigation@houston.rr.com

Duncan M. McNeill  
1514 Van Dyke Avenue  
San Francisco, CA 94124  
Tele. 415 752-5063  
dmcneill1@netzero.com  
Fed. Bar No. 136416

Attorneys for Plaintiff ,  
FUZZYSHARP TECHNOLOGIES INCORPORATED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

FUZZYSHARP TECHNOLOGIES	)	<b>CIVIL ACTION NO. 07-05948 SBA</b>
INCORPORATED,	)	
	)	<b>MOTION ORDER TO MODIFY THE</b>
Plaintiff,	)	<b>CASE MANAGEMENT</b>
	)	<b>SCHEDULING ORDER</b>
v.	)	
	)	
3DLABS CO., LTD.	)	
	)	
Defendant.	)	
	)	
	)	

This is an unopposed Motion by the Plaintiff FuzzySharp Technologies, Inc. (FST”) to modify the Case Management Scheduling Order of August 18, 2008.

The reason for this request is that the hurricane Ike which hit Houston caused an interruption of electrical and water services through much of Houston and particularly in the area of the undersigned attorney’s home and office. The area of Houston in which my home and office are located was about the last area to have electricity restored.

**MOTION TO MODIFY THE CASE MANAGEMENT SCHEDULING ORDER**

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During the hurricane and for many weeks after the hurricane we had the additional problems of having to boil water before drinking it and very limited supplies of food, bottled water, and even gasoline.

In addition, the undersigned attorney became serious sick after the electricity was restored. The cause of the sickness is not known but it might have resulted from tainted water, or tainted food, despite careful steps in accordance with public announcements.

A Declaration in support of this Motion is attached.

During this extended period of personal hardship, I am pleased to report that both the Defendant 3DLabs Inc., Ltd. and its attorney, Mark L. Pettinari were outstanding in their professional conduct and patience. Despite the potential issues between parties and attorneys during litigation, the Defendant and Mr. Pettinari are role models for positive conduct during litigation.

The following chart shows the requested changes:

<u>EVENT</u>	<u>DATES</u>
Exchange of Proposed Terms and Claim Elements for Construction (Pat. L.R. 4-1(a))	Change to 11/26/08 from 9/26/08
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (Pat. L.R. 4-2)	Change to 12/12/08 from 10/09/08
Joint Claim Construction Statements (Pat. L.R. 4-3)	Change to 01/16/09 from 11/19/08
Completion of Claim Construction Discovery (Pat. L.R. 4-4)	Change to 01/30/09 from 11/28/08
FST's Opening Claim Construction Brief (Pat. L.R. 4-5(a))	Change to 03/06/09 from 01/02/09
3DLabs' Opposing Claim Construction Brief (Pat. L.R. 4-5(b))	Change to 03/20/09 from 01/16/09
FST's Reply Claim Construction Brief (Pat. L.R. 4-5(c))	Change to 03/27/09 from 01/23/09

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1 Claim Construction Hearing (Pat. L.R. 4-6) ..... Change to **04/23/09**,  
2 9:00 a.m., for 3.0 hours,  
3 from 02/26/09,  
4 9:00 a.m., for 3.0 hours.

5 It is respectfully pointed out that the proposed change for the Claim Construction  
6 Hearing avoids a conflict with the undersigned observance of a Jewish Holiday.

7 Respectfully Submitted

8  
9 /s/David Fink  
10 David Fink  
11 Attorney for Plaintiff FuzzySharp Technologies  
Incorporated

12 The Court has considered the foregoing Motion and hereby modifies the date of  
13 the Case Management Scheduling Order as proposed above.

14 Date: 11/6/08

15 *Sandra B. Armstrong*  
DISTRICT JUDGE S.B. ARMSTRONG

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27 **MOTION TO MODIFY THE CASE MANAGEMENT SCHEDULING ORDER**

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